



INTERIOR BOARD OF INDIAN APPEALS

Jeanine Richmond v. Bureau of Indian Affairs

34 IBIA 136 (10/08/1999)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

JEANINE RICHMOND,
Appellant

v.

BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Docketing and Dismissing
: Appeal
:
:
: Docket No. IBIA 99-104-A
:
:
: October 8, 1999

On September 3, 1999, the Board of Indian Appeals received an apparent notice of appeal from Jeanine Richmond, pro se, who stated that she was employed as a teacher at the Cottonwood Day School, Chinle, Arizona, in 1993-94 and that, in June 1999, she received a bill for \$1,043.04 which stated that she had been overpaid 6 years earlier. She contended that she had not been overpaid.

Appellant did not submit the bill or any other documents concerning the matter. The Board therefore ordered her to submit copies of the bill and any correspondence she had received from the Bureau of Indian Affairs (BIA). In response, Appellant submitted a copy of the bill, which is dated May 25, 1999. She also submitted a March 9, 1998, letter she received from the Personnel Office of the BIA's Office of Indian Education Programs (OIEP) in Albuquerque, which concerns a settlement regarding "the pay of teachers and counselors employed by the BIA in the Albuquerque and Navajo Area, from July 11, 1993 through June 30, 1996."

The bill does not show what office within BIA issued it. Nor does it include any appeal information. It clearly appears, however, that this is a debt collection matter and is therefore not within the Board's jurisdiction. See Neuman v. Assistant Secretary - Indian Affairs, 27 IBIA 61 (1994).

Appellant is apparently no longer an employee of the Department of the Interior. The Board is informed that the Department has no formal appeal procedures available to former employees who wish to dispute a collection action. ^{1/} However, regulations issued jointly

^{1/} A current employee may request a hearing under 370 DM (Departmental Manual) 550,10.8 when the Department seeks to collect a debt through salary offset. Because of the remote possibility that Appellant may still be a Departmental employee, a copy of the Departmental Manual provision is enclosed with Appellant's copy of this order.

by the Comptroller General and the Attorney General establish standards for the administrative collection of claims by Federal agencies. 4 C.F.R. Parts 101-105. The regulations do not include specific appeal procedures but do contemplate that debtors may dispute the claims against them. See 4 C.F.R. § 102.2(d): "Agencies should respond promptly to communications from the debtor, within 30 days whenever feasible, and should advise debtors who dispute the debt to furnish available evidence to support their contentions." The regulations also authorize the compromise of claims. See 4 C.F.R. § 102.12: "Agencies may attempt to effect compromise, preferably during the course of personal interviews, in accordance with the standards set forth in [4 C.F.R. Part 103]."

The Board understands that the bill Appellant received was most likely sent by BIA's Division of Accounting Management at the request of the OIEP. Appellant should therefore file her dispute in those offices, furnishing as much evidence as possible in support of her position. Appellant may also wish to file a copy of her submission with the Department's Office of Financial Management. Addresses for these offices are included in the attached distribution list.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed but is dismissed for lack of jurisdiction.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge